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April 17, 2020

*Via ECF & First Class Mail*

**MEMO ENDORSED**

Hon. William H. Pauley, III, U.S.D.J.  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 100070

Re: **725 Eatery Corp., etc. et ano. v. City of New York, et al.,  
Docket No. 02 CV 4431 (WHP) ("Action No. 1")**

**59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,  
Docket No. 02 CV 4432 (WHP) ("Action No. 2")**

**Club at 60<sup>th</sup> Street, et al. v. City of New York  
Docket No. 02 CV 8333 (WHP) ("Action No. 3")**

**336 LLC, etc, et al. v. City of New York  
Docket No. 18 CV 3732 (WHP) ("Action No. 4")**

Dear Judge Pauley:

We represent plaintiffs in the above-referenced Action No. 2 and write on behalf of all counsel to advise the Court of the status of this matter and request re-scheduling of the dates for the Joint Status Report and Preliminary Conference in light of the Coronavirus (Covid-19) public health emergency, which has, *inter alia*, forced closing all plaintiffs' counsels' law offices and delayed the City in producing its proposed analysis of the number of available alternative sites in the Outer Boroughs. Moreover, but for a very limited number of employees necessary to keep the City's essential services running, the majority of City employees, including almost all Law Department employees, are working remotely.

The Joint Status Report is currently due on May 17, 2020, and the Preliminary Conference is presently scheduled to be held on May 24, 2020, at 10:30am.

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As previously reported, to the best of their ability, counsel have been and are continuing to work together in a responsible and cooperative fashion. We speak via conference call on a regular basis and have continued to revise the proposed Stipulation of Facts and concomitantly narrow the items in dispute. Nevertheless, the temporary closure of all of plaintiffs' counsels' offices, as well as our clients' places of business, has seriously interfered with plaintiffs' counsels' ability to responsibly complete their work necessary for the Joint Status Report and Preliminary Conference, including planning for discovery on items not ultimately resolved by the proposed Stipulation of Facts once it is agreed upon.

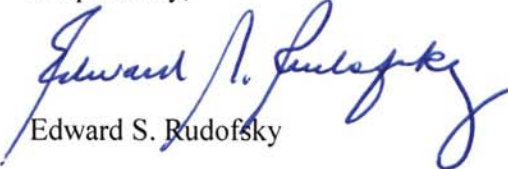
As noted above, the public health emergency has also delayed the City's proposed analysis of the number of available alternative sites in the Outer Boroughs, and, in turn, plaintiffs' evaluation of and either agreement or disagreement with the City's analysis, which is an integral part of the pre-trial preparation of this case and, most relevant to this letter request, the parties' ability to work, meet and complete their tasks within the existing scheduling.

Under the circumstances, counsel for plaintiffs and for the City, after consultation with one another, jointly request that the Court stay this matter pending the end of the public health emergency, by rescheduling the due date for the Joint Status Report to September 17, 2020 and the date for the Preliminary Conference to September 24, 2020 (or any date thereafter convenient to the Court, other than September 25 and 28, 2020).

This proposal assumes that counsels' offices (which are located in New York, Connecticut, Ohio and California) will be able to re-open, and the City agencies will return to full staffing and resume normal operation, by June 1, 2020. Should that assumption prove not to be the case, we will, of course, update the Court accordingly.

As always, we thank the Court in advance for its consideration.

Respectfully,

  
Edward S. Rudofsky

Cc: All Counsel (Via ECF)

**Application granted. The status conference is adjourned to September 24, 2020 at 10:30 a.m. The parties shall submit their joint status report by September 17, 2020.**

Dated: April 21, 2020  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.